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Marlene G. Weinstein, Chapter 7 Trustee
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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 In re
12 INDEPENDENT ADOPTION CENTER,
13 Debtor.

Case No. 17-40327 RLE
Chapter 7
Hon. Roger L. Efremsky

14 MARLENE G. WEINSTEIN, Trustee,
15 Plaintiff,

Adversary Proceeding No. 17-04020 RLE

16 v.

**STIPULATION TO DISMISS THE
TRUSTEE'S CLAIMS AGAINST
CERTAIN DEFENDANTS, AND TO
DISMISS MARCIA HODGES'
COUNTERCLAIM**

17 GREGORY S. KUHL, SUSAN SPARLING,
18 ALEX KAPLAN, NANCY WORRELL, DAN
19 WARD, WILLIAM KINNANE, CHRISTINE
ZWERLING, MARCIA HODGES,
20 Defendants.
21

22 AND RELATED COUNTERCLAIM
23

24 This Stipulation is entered into by and between Plaintiff/Counterclaim Defendant Marlene
25 G. Weinstein, Chapter 7 Trustee of the estate of the above Debtor ("Trustee"), by and through her
26 counsel of record, Jeffrey L. Fillerup of Rincon Law LLP; Defendants Susan Sparling, Alex Kaplan,
27 Nancy Worrell, Dan Ward, William Kinnane, and Christine Zwerling, by and through their counsel
28 of record, Nathaniel R. Lucey of Ericksen Arbuthnot; and Defendant/Counterclaimant Marcia

1 Hodges, by and through her counsel of record, Joanne Madden of LeClair Ryan, as follows:

2 WHEREAS, the Trustee has reached a settlement with Landmark American Insurance
3 Company (“Landmark”) and with the individual defendants in this case, except defendant Gregory
4 Kuhl, which settlement is referred to herein as the “Landmark Settlement”;

5 WHEREAS, in the main bankruptcy case, the Court entered an order approving the
6 Landmark Settlement on January 9, 2019 (Dock#245);

7 WHEREAS, in the main bankruptcy case, the Court entered an order on January 24, 2019
8 finding that the Landmark Settlement was a “good faith” settlement pursuant to California Code of
9 Civil Procedure § 877.6 (Doc#248);

10 WHEREAS, the parties to the Landmark Settlement have finalized the settlement via a
11 written settlement agreement;

12 WHEREAS, as part of the Landmark Settlement, certain claims in this adversary proceeding
13 will be dismissed with prejudice via a stipulation and order;

14 WHEREAS, this stipulation seeks an order dismissing the claims to be dismissed pursuant
15 to the Landmark Settlement;

16 WHEREAS, the Trustee’s claims against defendant Gregory Kuhl will not be dismissed as
17 part of the Landmark Settlement, and so Trustee’s claims in this adversary proceeding will continue
18 as to defendant Gregory Kuhl; and

19 THEREFORE, the parties stipulate to the entry of an order providing as follows:

20 1. **Dismissal of Certain Claims in the Trustee’s First Amended Complaint with**
21 **Prejudice:** Pursuant to the Landmark Settlement, the parties (excluding defendant Gregory Kuhl)
22 stipulate to the dismissal of all of the Trustee’s claims in the First Amended Complaint against
23 defendants Susan Sparling, Alex Kaplan, Nancey Worrell, Dan Ward, William Kinnane, and
24 Christine Zwerling, and Marcia Hodges, with prejudice, each party to bear its own costs and
25 attorney’s fees. This dismissal will not apply to defendant Gregory Kuhl. This dismissal will also
26 not apply to any of the Trustee’s claims against the former Executive Director of the Debtor, Ann
27 Wrixon.

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1 2. **Dismissal of Marcia Hodges' Counterclaim with Prejudice:** Pursuant to the
2 Landmark Settlement, the parties (excluding defendant Gregory Kuhl) stipulate to the dismissal of
3 Marcia Hodges' counterclaim against the Trustee with prejudice, each party to bear its own costs
4 and attorney's fees.

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6 **SO STIPULATED.**

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8 DATED: April 1, 2019

RINCON LAW LLP

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10 By: /s/Jeffrey L. Fillerup

Jeffrey L. Fillerup

Attorneys for Plaintiff/Counterclaim Defendant

Marlene G. Weinstein, Chapter 7 Trustee

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12
13 DATED: April 1, 2019

ERICKSEN ARBUTHNOT

14
15 By: /s/Nathaniel R. Lucey

Nathaniel R. Lucey

Attorneys for Defendants Susan Sparling, Alex

Kaplan, Nancy Worrell, Dan Ward, William

Kinnane, and Christine Zwerling

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17
18
19 DATED: April 1, 2019

LECLAIR RYAN

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21 By: /s/Joanne Madden

Joanne Madden

Attorneys for Defendant/Counterclaimant Marcia

Hodges